

**FORM TO BE USED BY FEDERAL PRISONERS FOR FILING A PETITION FOR WRIT OF  
HABEAS CORPUS UNDER TITLE 28 U.S.C. § 2241  
AND/OR WRIT IN THE NATURE OF MANDAMUS UNDER TITLE 28 U.S.C. §§ 1361 AND 1361**

**IN THE UNITED STATES DISTRICT COURT**

**FOR THE DISTRICT OF MASSACHUSETTS**

David Sloane

Petitioner

48083-066 Unit N-2

Federal Medical Center - Devens

P. O. Box 879, Ayer, MA 01432

(Full name under which you were convicted;  
Prison Number; Full Mailing Address).

**04-40075**

**VS.**

**CIVIL ACTION NO.** \_\_\_\_\_

David L. Winn

Respondent(s)

Federal Medical Center - Devens

48 Patton Road

Ayer, MA 01432

(Name of Warden or other authorized person  
having custody of Petitioner).

**PLEASE COMPLETE THE FOLLOWING. READ THE ENTIRE PETITION BEFORE FILLING IT  
OUT. ANSWER THOSE QUESTIONS WHICH PERTAIN TO YOUR TYPE OF CLAIM.**

1. This petition concerns: (check appropriate blank)

\_\_\_\_\_ A conviction

\_\_\_\_\_ A sentence (**CAUTION:** If you are attacking a sentence imposed under a Federal Judgment, you  
must file a direct motion under 28 U.S.C. § 2255 in the Federal Court which entered the  
Judgment).

\_\_\_\_\_ Jail or prison conditions

\_\_\_\_\_ Prison discipline issue

\_\_\_\_\_ A parole problem

☒ Other. State briefly: Improper calculation of Release Date and Pre-  
release Preparation (transfer to halfway house) Date

2. Place of detention: Federal Medical Center - Devens

48 Patton Road

Ayer, MA 01432

**HAVE YOU FILED PREVIOUS PETITIONS FOR HABEAS CORPUS MOTION UNDER TITLE 28 U.S.C. § 2255, OR ANY APPLICATIONS, PETITIONS OR MOTIONS WITH RESPECT TO THIS CONVICTION?**

\_\_\_\_\_ Yes \_\_\_\_\_ ☒ No

3. If your answer is "yes," give the following information:

a. Name of the Court: \_\_\_\_\_

b. Nature of proceeding: \_\_\_\_\_  
\_\_\_\_\_

c. Grounds raised: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

d. Result: \_\_\_\_\_  
\_\_\_\_\_

e. Date of result: \_\_\_\_\_

f. Citation or number of any written opinion or order entered pursuant to each such disposition: \_\_\_\_\_  
\_\_\_\_\_

4. If you did not file a motion under section 2255 of Title 28 U.S.C., or if you filed a motion and it was denied, state why your remedy by way of such motion is inadequate or ineffective to test the legality of your detention: Claim for improper denial of credit for time served is not cognizable under § 2255. Challenges to the manner, location, or conditions of a sentence's execution are proper subjects of a petition under the general habeas corpus statute.  
\_\_\_\_\_  
\_\_\_\_\_

5. Does counsel presently represent you? \_\_\_\_\_ Yes ☒ No

If so, Name address and phone number of counsel: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

6. Name and location of court, which imposed sentence: Southern District of New York  
300 Quarropas Street  
White Plains, NY 10601  
\_\_\_\_\_  
\_\_\_\_\_

8. Offense or Offenses for which sentence was imposed: 18 U.S.C. 2252A(A)(5)(B)

9. Date upon which sentence was imposed and the term of the sentence: December 12, 2002  
27 months imprisonment and 3 years supervised release

    X     After a plea of guilty

\_\_\_\_\_ After a plea of not guilty

\_\_\_\_\_ After a plea of Nolo Contendere

A jury

## A judge without a jury

12. Did you appeal the judgment of the conviction or the imposition of a sentence? \_\_\_\_\_ Yes X No

13. If you did appeal, give the following information for each appeal:

a. Name of court: \_\_\_\_\_

b. Result: \_\_\_\_\_

c. Date of result: \_\_\_\_\_

d. Citation or number of opinion: \_\_\_\_\_

e. Grounds raised: (List each one)

3

14. Summarize briefly the facts supporting each ground. If necessary attach a single page behind this page.

**CAUTION:** If you fail to set forth all grounds in this petition, you may be barred from presenting additional grounds at a later date.

a. Ground one: Incorrect calculation of Release Date based on failure to credit full amount of Good Conduct Time (GCT) specified by 18 U.S.C. § 3624(b)(1).

Supporting Facts: (Tell your story BRIEFLY without citing cases or law. You are CAUTIONED that you must state facts not conclusions, in support of your grounds. E.g., who did exactly what to violate your rights at what time or place).

Petitioner's sentence monitoring computation data shows Petitioner's projected Release Date to be 03-11-2005 via GCT release based on a total GCT earned and projected of 105 days. This falls short of the 121.5 days which the statute provides [(27 months ÷ 12 months/year) x 54 days/year].

b. Ground Two:

Incorrect calculation of Pre-release Preparation Date resulting in failure to provide a full six months in a Community Corrections Center (CCC) and/or Home Confinement as provided by 18 U.S.C. § 3624(c).

Supporting Facts: Petitioner's sentence monitoring computation data shows Petitioner's Pre-release Preparation Date to be 12-31-04, which is only 10% of the time he would have served by his Release Date, thus providing only 10 weeks instead of 26 weeks.

Ground Three:

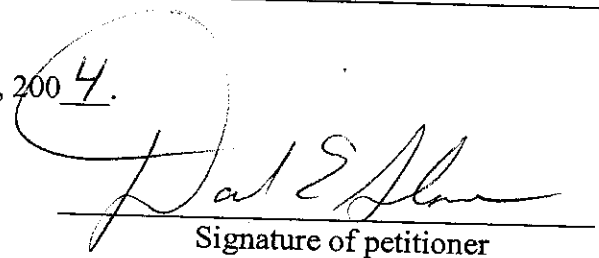
Supporting Facts: \_\_\_\_\_



**16. RELIEF:** state briefly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

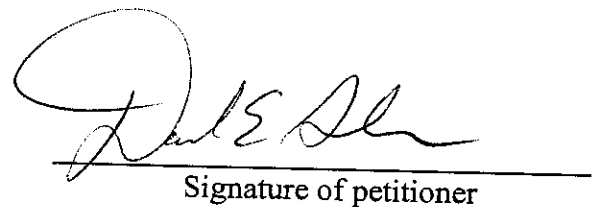
1. Order Respondent to credit Petitioner with 121.5 days of GCT.
2. Order Respondent to transfer Petitioner to a CCC within close proximity to his home and/or Home Confinement no later than 6 months prior to his Release Date.
3. Order Respondent to perform the above in good faith adherence to Policies and Programs which were in effect at the time of Petitioner's sentencing.
4. Enjoin Respondent from attempting to circumvent the timely release of Petitioner.
5. Order any subsequent attempt by Respondent to alter or modify the Petitioner's Pre-release Preparation Date, date of actual transfer to a halfway house (and/or Home Confinement), and/or Release Date to be subject to review and approval by the Court.

Signed on this the 12<sup>TH</sup> day of MAY, 2004.

  
Signature of petitioner

**I DECLARE (OR CERTIFY, VERIFY OR STATE) THAT THE FOREGOING IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE OR INFORMATION AND BELIEF AND THAT ANY FALSE STATEMENTS MADE THEREIN ARE MADE SUBJECT TO THE PENALTIES OF APPLICABLE LAWS RELATING TO UNSWORN FALSIFICATIONS TO AUTHORITIES.**

Executed on: MAY 12, 2004.

  
Signature of petitioner